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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/071,021	05/01/98	BRUNO R	20-21-26-22-

EXAMINER	
LOGSDON, J	
ART UNIT	**PAPER NUMBER**
2662	9

WM02/0731

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DATE MAILED: 07/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/071,021	BRUNO ET AL.	
	Examiner	Art Unit	
	Joe Logsdon	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 May 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5, 7-15 and 17-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-15 and 17-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Claim Rejections—35 U.S.C. 112, First Paragraph:

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 21 and 22 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 21 and 22 include the limitation "without using a gateway." This limitation is not described in the specification as originally filed.

Claim Rejections—35 U.S.C. 103(a):

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 2, 4, 5, 11, 12, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogart et al. in view of Riemann et al.

With regard to claims 1, 4, 11, and 14, Bogart et al. discloses a method and system for distributing calls among agents in a call center (abstract). The method is performed by a processor (ACD system 101) coupled to a plurality of agents as well as to at least one telecommunications network (Fig. 1; column 3, lines 2-16). A call arrives requiring skill X (this call inherently comprises a query concerning the availability of an agent with skill X); a determination is made, based on the availability and skill level of the agent, of which available agent is to be connected; and the determined agent is connected (Fig. 3; column 4, line 48 to column 5, line 14). Routing instructions are inherently determined because the call is ultimately routed to an agent. Bogart et al. fails to teach that each of the agents is connected to disparate telecommunications networks and that the agent availability is reported. Riemann et al. discloses a distributed private branch exchange, comprising a telephony server, that connects disparate telecommunications networks (abstract; column 4, lines 5-25). The telephony server provides an interface between an ATM telephony network and a PSTN (column 5, lines 30-44). It would have been obvious to one of ordinary skill in the art to modify the invention of Bogart et al. so that each of the agents is connected to disparate telecommunications networks, in a manner similar to the PBX and telephony server in Riemann et al., because such an arrangement would

allow callers to access the same agents from multiple network types. Examiner takes Official Notice that the reporting of agent availability has been a common practice in the art. It would have been obvious to one of ordinary skill in the art to modify the invention of Bogart et al. so that agent availability is reported because Examiner takes Official Notice that the reporting of agent availability has been a common practice in the art as a means for allowing the caller to reject a connection if a desired agent is unavailable.

With regard to claims 2 and 12, Bogart et al. fails to teach a memory that is updated every time the availability of agents changes. It would have been obvious to one of ordinary skill in the art to modify the invention of Bogart et al. so that a memory is updated every time the availability of agents changes because such an arrangement would allow updated information to be provided more quickly to network users, and less signaling traffic between the SGCU and the controlled network would be required.

With regard to claims 5 and 15, although Bogart et al. fails to teach that the routing is based on a lowest cost criterion, Examiner takes Official Notice that routing based on lowest cost criteria has been common practice in the art. It would have been obvious to one of ordinary skill in the art to modify the invention of Bogart et al. so that the routing is based on a lowest cost criterion because Examiner takes Official Notice that routing based on lowest cost criteria has been common practice in the art as a means for selecting the most cost effective route for communication.

6. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogart et al. and Riemann et al., as applied to claims 2 and 12 above, and further in view of Skoog et al.

Neither Bogart et al. nor Riemann et al. teaches the use of SS7 signaling. Skoog discloses a device (called a signaling gateway) that uses a common channel signaling protocol, such as SS7, to allow callers to use the signaling information received from the signaling gateway and the signaling sent to the signaling gateway to select desired resources (which could be agents in a call center) belonging to the accessed network (column 10, line 66 to column 11, line 20). The device disclosed by Skoog comprises a unit that serves as an interface for two different signaling protocols, where one such protocol is used by one user and the other is used by another user; a unit that serves as an interface between two links with different speeds, where the first link is used by one user, and the second link is used by the other user; and a unit that controls the exchange of information between the other two units (abstract). The system is able to receive calls from disparate telecommunications networks and must thus comprise at least one unit that can translate the information between the networks (column 8, lines 19-40). It would have been obvious to one of ordinary skill in the art to modify the invention of Bogart et al. and Riemann et al. so that SS7 signaling is used, as in Skoog et al., because SS7 signaling has been an effective, well-known method for allowing signaling to take place along a separate network from the information transfer, which would allow communication to proceed without interference between information and signaling.

7. Claims 7-10 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogart et al. and Riemann et al., as applied to claims 1 and 11 above, and further in view of the Admitted Prior Art. Neither Bogart et al. nor Riemann et al. teaches an NCP architecture that is either a circuit-switched telecommunications network or an ATM network or an Internet

resources network. The Admitted Prior Art teaches an NCP architecture that can be either a circuit-switched telecommunications network or an ATM network or an Internet resources network (page 2, line 7 to page 3, line 2). It would have been obvious to one of ordinary skill in the art to modify the invention of Bogart et al. and Riemann et al. so that an NCP architecture is used that can be either a circuit-switched telecommunications network or an ATM network or an Internet resources network, as in the Admitted Prior Art, because such an arrangement could form the basis of an intelligent network, which is capable of providing a multitude of services to users.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Flisik et al. is cited to show the state of the art.

Response to Arguments:

9. Although, as noted by Applicant, Skoog et al. fails to teach "receiving a query from one of a plurality of telecommunications networks regarding whether at least one agent, among the plurality of agents, is available," Bogart et al., which is newly found prior art, does teach this limitation.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Logsdon whose telephone number is (703) 305-2419. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached at (703) 305-4744.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

11. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314

For informal or draft communications, please label "PROPOSED" or "DRAFT".

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Joe Logsdon

Patent Examiner

July 27, 2001

HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
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